



**One Hundred Ninth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

May 3, 2006

The Honorable Robert Simmons
Chairman
Subcommittee on Intelligence,
Information Sharing and Terrorism
Risk Assessment

Dear Chairman Simmons:

On April 6, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Protection of Privacy: DHS Intelligence Enterprise." During that hearing, we provided you with a letter from a majority of the Minority Members on the Subcommittee requesting that you require the appearance of Elizabeth Rindskopf Parker, Dean of Pacific McGeorge Law School, to testify about the National Security Agency's (NSA) domestic surveillance program. It is our understanding that pursuant to Rule II (M) of the Committee, you agreed to invite Ms. Parker to a continuation of the privacy hearing scheduled for May 10, 2006. While we appreciate your extending the invitation, our staff has advised us that Ms. Parker is unavailable to testify on that date.

As noted in Ms. Lofgren's letter to you yesterday, our concern in this area – and one over which we believe we have clear jurisdiction – is how to deal with information that becomes part of the Department of Homeland Security's shared information structure that may have been collected by other agencies, including the NSA, in violation of law. In the wake of the NSA's recently publicized domestic surveillance program, we should have an opportunity to ask witnesses about how the Department intends to ensure that information obtained in violation of the Foreign Intelligence Surveillance Act or the 4th Amendment of the United States Constitution is not incorporated as part of the Department's intelligence analysis efforts.

Accordingly, in Ms. Parker's absence, please invite either Attorney General Alberto Gonzalez, Lieutenant General Keith B. Alexander of the NSA, Department Chief Intelligence Officer Charles Allen, or another appropriate Department official who can discuss the implications of the NSA's domestic surveillance program for the Department and the Office of Intelligence & Analysis in particular. Testimony in this area will contribute greatly to our understanding of these issues and will help contribute to meaningful oversight by the Committee.

Please provide a response to this request as soon as possible so we can plan for the continued hearing on May 10th. We look forward to hearing from you,

Sincerely,



Bennie G. Thompson
Ranking Member



Zoe Lofgren
Ranking Member
Subcommittee on Intelligence,
Information Sharing, and Terrorism
Risk Assessment

cc: Alberto Gonzalez, Attorney General
Lieutenant General Keith B. Alexander
Charles Allen, Chief Intelligence Officer